

CATHERINE CORTEZ MASTO
Attorney General
SUSAN E. LEE
Deputy Attorney General
Nevada Bar No. 7420
Bureau of Litigation
100 No. Carson St.
Carson City, NV 89701-4717
Tel: 775-684-1264

*Attorneys for Defendants
James Baca, James Benedetti, Dave Carroll,
Chip Fulcher, Kenneth Gurries, James Kelly,
John Mays, and Matthew Sturm*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JASON ERIC SONNTAG,)	Case No. 3:09-cv-00637-ECR-VPC
)	
Plaintiff,)	ORDER GRANTING MOTION TO FILE
)	IN CAMERA AND UNDER SEAL
v.)	DOCUMENTS IN SUPPORT OF
)	DEFENDANTS' MOTION AND
KENNETH GURRIES, et al.)	OPPOSITION #88
)	
Defendants.)	

Defendants, James Baca, James Benedetti, Dave Carroll, Chip Fulcher, Kenneth Gurries, James Kelly, John Mays, and Matthew Sturm, by and through counsel, Catherine Cortez Masto, Attorney General of the State of Nevada, and Susan E. Lee, Deputy Attorney General, move to file Exhibits A, C and G in support of Defendants' Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment *in camera*. Defendants also move to file Exhibits E and F in support of Defendants' Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment under seal. Defendants file their Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment concurrently herewith.

Defendants seek to file Exhibit A, consisting of Nevada Offender Tracking Information System (NOTIS) Investigation Detail Report, and Exhibit B, consisting of Plaintiff's NOTIS

1 case notes, *in camera*. These documents are confidential in nature pursuant to
 2 Administrative Regulation 560.03(2)(A) (“access to [inmate record files] should be on a need
 3 to know basis”), 568.05(1) (“normally inmates will not be provided with copies of documents
 4 maintained by the Department”) and 569.02(12) (“Department records, filed and information
 5 pertaining to an individual inmate which are not specifically approved for release in the
 6 regulation are confidential”).

7 Defendants also seek to file Exhibits E and F, consisting of Nevada Department of
 8 Corrections (NDOC) Administrative Regulations (AR) 407 and 405 respectively, *under seal*.
 9 AR 407 outlines the use of handcuffs and restraints. AR 405 outlines the use of force within
 10 the NDOC. The Board of Prison Commissioners has determined that these documents are to
 11 be kept confidential in the interest of safety and security of the institutions, the staff and the
 12 inmates.

13 Finally, Defendants seek to file Exhibit G, consisting of Plaintiff’s medical records, *in*
 14 *camera*. Plaintiff’s medical records are confidential documents pursuant to NRS 629.061 and
 15 Administrative Regulation 639. While a plaintiff may waive that confidentiality, the Plaintiff in
 16 this case has not provided a waiver. Accordingly, Defendants seek to file Plaintiff’s medical
 17 records *in camera* to prevent their entry into the public record and to protect Plaintiff’s
 18 confidentiality. Additionally, Plaintiff is not allowed to have medical records in his cell.

19 Defendants will send a copy of the *in camera* Exhibits A, C, and G to Warm Springs
 20 Correctional Center, where Plaintiff is currently housed, with instructions to maintain the
 21 records in a safe and secure place outside of Plaintiff’s cell and to permit Plaintiff to review
 22 the *in camera* Exhibits A, C, and G by appointment. Plaintiff must kite¹ the Warden’s Office to
 23 view these documents. Accordingly, Plaintiff will be able to review and respond to Exhibits A,
 24 C, and G. As stated above, due to safety and security concerns, Plaintiff will not be permitted
 25 to view the *under seal* Exhibits E and F.


26 / / /

27 _____
 28 ¹ A “kite” is an Inmate Request Form which inmates use to correspond with prison officials and administrative
 or medical staff.

1 Based upon the foregoing, Defendants respectfully request that their Motion to file *in*
2 *camera and under seal* documents in support of Defendants' Motion for Summary Judgment
3 and Opposition to Plaintiff's Motion for Summary Judgment be granted.

4 Dated this 27th day of May, 2011.

5 CATHERINE CORTEZ MASTO
6 Attorney General

7 By: 
8 SUSAN E. LEE
9 Deputy Attorney General
Bureau of Litigation

10 *Attorneys for Defendants*

11 IT IS ORDERED granting Defendants' Motion to File in Camera and Under
12 Seal Documents in Support of Motion #88.

13 DATED this 31st day of May 2011.

14
15 
16
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28